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United States Attorney

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U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CAL. S.J.

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9 Attorneys for Plaintiff

10 IN THE UNITED STATES DISTRICT COURT

11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,

No. CR-06-00424 JW

14 Plaintiff,

15 v.

) STIPULATION CONTINUING STATUS  
) DATE AND EXCLUDING TIME AND  
) [PROPOSED] ORDER

17 LAN LEE,  
18 a/k/a Lan Li, and  
YUEFEI GE,

19 Defendants.

20 **IT IS HEREBY STIPULATED AND AGREED**, by and between Scott N. Schools, United  
21 States Attorney, and Matthew A. Parrella, Assistant United States Attorney, counsel for the  
22 United States of America, and Thomas J. Nolan, Esq. and John Williams, Esq., counsel for  
23 defendants, that the status date currently scheduled for March 26, 2007, be vacated and  
24 continued to April 9, 2007, or to a date thereafter at the convenience of the Court.

25 This Stipulation is entered into for the following reasons:

26 1. A previous stipulation and proposed ordered was submitted by the parties and  
27 signed by the court on January 30, 2007. The intent of the parties was to continue the matter for  
28 status until April 2, 2007. However, due to an unnoticed typographical error, the requested status

1 date on the previous order incorrectly remained March 26, 2007. The court signed that order and  
2 the matter presently is scheduled for status on March 26, 2007. It is the intent of this stipulation  
3 to correct that error and also to inform the court of a new request to continue the status date to  
4 April 9, 2007.

5         2.         Since the previous stipulation, the parties have entered into a stipulation  
6 modifying the protective order which will expedite the review of the confidential discovery by  
7 the defense experts. As stated in the previous stipulation, discovery is continuing. The  
8 government has also recently responded to defense requests for additional discovery. A complete  
9 review of this evidence is necessary before any meaningful discussions on the indictment can  
10 proceed.

11         3.         Since the previous stipulation, counsel for defendant Lee has informed the parties  
12 that he has a matter scheduled in court in Orange County, California, and requests that this matter  
13 be set for April 9, 2007.

14         4.         Counsel for the defendants have spoken with the defendants and the defendants  
15 have no objections to the continuance sought herein.

16         5.         The defendants are not in custody.

17         6.         This continuance is sought to save the court's time and resources, to allow time  
18 for the Defendants and the Government to evaluate and analyze discovery information which will  
19 have a bearing on future negotiations.

20         7.         Additionally, denial of this request could result in a miscarriage of justice, taking  
21 into account the exercise of due diligence.

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28 STIPULATION CONTINUING STATUS DATE,  
EXCLUDING TIME, AND [PROPOSED] ORDER

8. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(1)(F), 3161(h)(7), and 3161(H)(8)(A), considering the factors under Title 18 United States Code, Sections 3161(h)(8)(B)(i) and 3161(h)(8)(B)(iv).

DATED this 7 day of March, 2007.

SCOTT N. SCHOOLS  
United States Attorney

  
MATTHEW A. PARRELLA  
Assistant United States Attorney

3-7-07  
DATE

THOMAS J. NOLAN  
Attorney for Defendant LEE

\_\_\_\_\_  
DATE

JOHN WILLIAMS  
Attorney for Defendant GE

\_\_\_\_\_  
DATE

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STIPULATION CONTINUING STATUS DATE,  
EXCLUDING TIME, AND [PROPOSED] ORDER

1 8. The additional time requested by this stipulation is excludable in computing the  
2 time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,  
3 United States Code, Sections 3161(h)(1)(F), 3161(h)(7), and 3161(H)(8)(A), considering the  
4 factors under Title 18 United States Code, Sections 3161(h)(8)(B)(i) and 3161(h)(8)(B)(iv).

5  
6 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

7  
8 SCOTT N. SCHOOLS  
9 United States Attorney

10  
11 \_\_\_\_\_  
12 MATTHEW A. PARRELLA  
Assistant United States Attorney

DATE  
3/7/07  
DATE

13 \_\_\_\_\_  
14 THOMAS J. NOLAN  
Attorney for Defendant LEE

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16 \_\_\_\_\_  
17 JOHN WILLIAMS  
Attorney for Defendant GE

DATE

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STIPULATION CONTINUING STATUS DATE,  
EXCLUDING TIME, AND [PROPOSED] ORDER

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8. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(1)(F), 3161(h)(7), and 3161(H)(8)(A), considering the factors under Title 18 United States Code, Sections 3161(h)(8)(B)(i) and 3161(h)(8)(B)(iv).

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

SCOTT N. SCHOOLS  
United States Attorney

\_\_\_\_\_  
MATTHEW A. PARRELLA  
Assistant United States Attorney

\_\_\_\_\_  
DATE

\_\_\_\_\_  
THOMAS J. NOLAN  
Attorney for Defendant LEE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JOHN WILLIAMS  
Attorney for Defendant GE

3-7-07  
DATE

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STIPULATION CONTINUING STATUS DATE,  
EXCLUDING TIME, AND [PROPOSED] ORDER

1 Based upon the foregoing representations made by the parties by stipulated motion, and  
2 good cause appearing therefor,

3 **IT IS HEREBY ORDERED** that the time between February 5, 2007 and April 9, 2007  
4 shall be excluded from the computation the period within which the trial must commence, for the  
5 reasons and based upon the statutory provisions set forth above, and for those reasons proffered  
6 by the parties. The Court finds that the ends of justice outweigh the interests of the public and  
7 the parties in a speedier trial based upon the grounds set forth above.

8 **IT IS FURTHER ORDERED** that the matter shall be removed from the Court's  
9 calendar on March 26, 2007 and set for status on April 9, 2007, or a date thereafter at the  
10 convenience of the Court.

11 DATED: 3/8/2007

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14 JAMES WARE  
15 United States District Judge  
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28 STIPULATION CONTINUING STATUS DATE,  
EXCLUDING TIME, AND [PROPOSED] ORDER